

OGC Has Reviewed

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Draft

OGC:TMF:cst

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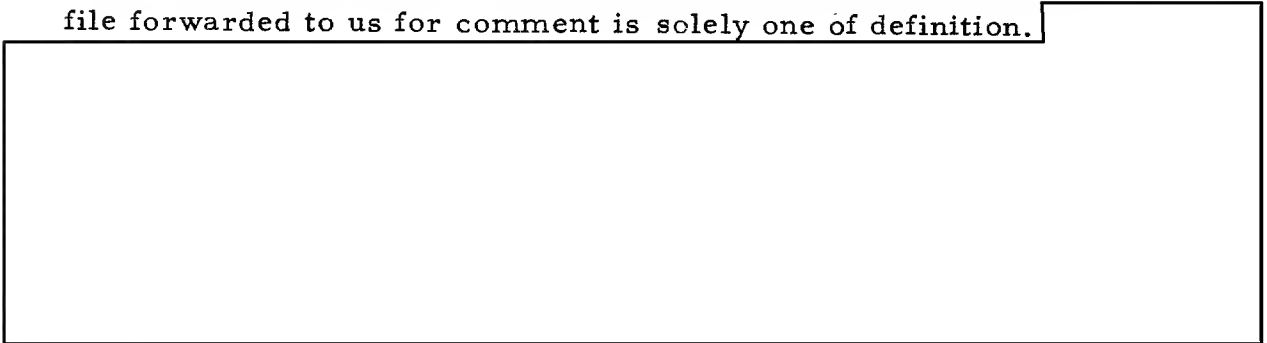
5-7293

Memorandum for: Deputy Director (Administration)


Subject : Qualification of Grandchildren and Grandparents  
as Dependents for Purposes of Travel At Govern-  
ment Expense

OGC  
FOIAB5

1. In our opinion, the problem presented by the attached  
file forwarded to us for comment is solely one of definition.



STATINTL

defines "members of the family" in the manner stated in   
memorandum. We would have no legal objection, however, to broadening  
the scope of the definition to include grandparents or grandchildren  
as "members of the family". We would also have no legal objection  
to an exception to the existing regulation being made in the cases  
presently under consideration, providing such exception is approved  
by the Director.

2. Aside from the legalities of the situation, we have one  
additional comment to offer. In our opinion, the policy question to  
be decided here goes somewhat beyond the immediate problem of the  
dependency status of grandparents and grandchildren. The proposal  
of EE Division carries with it an implication of the desirability of a  
shift from the present arbitrary but definite categories of persons  
for whom travel will be allowed at Government expense to a single  
standard of factual dependency for all degrees of relationship other  
than spouse or children. It is our firm expectation that the present

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request on behalf of grandparents and grandchildren, if granted specifically to those classes, will be followed in the future by cases involving dependent aunts or cousins, and it is our further expectation that these cases will be just as deserving from an equity point of view as those presently under consideration. Although, as  points out in his memorandum, this Agency and the State Department already enjoy an extension of the benefits accorded to employees of all other Government agencies, it may well be that the test of factual dependency would be a fairer one and capable of facile administration. Elements of such a standard are already present in the Agency regulation. STATINTL

3. It is our recommendation, therefore, that, if time permits, the opinions of those principally concerned, i.e., DD/P-Admin and the Office of Personnel, be obtained on the advisability of amending the regulation either to add grandparents and grandchildren or to base travel for anyone other than a spouse or child upon a finding of dependency. We do not think that the matter should be decided until those with experience in this field have been consulted.

STATINTL